

## REMARKS/ARGUMENTS

Claims 2, 4, 13-14, 18, 26-29, and 31-32 were pending in this application. According to the August 30, 2005 Final Rejection, claims 2, 4, 13-14, 18, 26-29, and 31-32 were rejected. Applicant has amended claims 29 and 32. Accordingly, claims 2, 4, 13-14, 18, 26-29, and 31-32 are under consideration. Applicant maintains that the amendments do not introduce any new matter.

Applicant respectfully requests this amendment be entered as it raises no new issues, and will place the application in condition for allowance. However, if the Examiner is not persuaded that the application is now in condition for allowance, applicant respectfully requests this amendment be entered to place the application in better condition for appeal.

### **Rejection of Claims 2, 4, 27, 29, 31, and 32 under §112**

The Examiner rejected previously presented claims 2, 4, 27, 29, 31, and 32 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner indicated that "said surface" as recited by claim 29 at line 15 is vague and indefinite because it is not clear as to which surface applicant is referring. In response thereto, applicant has amended claim 29 to recite, "said body portion surface is also convexly shaped along said body portion surface...," thereby clarifying as to which surface applicant is referring.

### **Rejection of Claims 2, 4, 27, 29, 31, and 32 in view of Hall**

The Examiner rejected previously presented claims 2, 4, 27, 29, 31, and 32 as unpatentable, 35 U.S.C. 102(b), in view of Hall, patent 637,733, November 21, 1899 (hereinafter Hall). Beginning with independent claim 29, the Examiner indicated that Hall discloses in Figure 2 a device "G" having all the claimed features as recited by claim 29. In response to the Examiner's rejection, applicant has amended claim 29 to clarify the convex shape of the "extended hook region surface" and the "body portion surface." In so amending claim 29, applicant has also amended claim 32. Claim 29 now recites in part,

a long axis of said device passing through said hook portion and said body portion; and wherein when said long axis of said device is orthogonal to the rod, said extended hook region surface is convexly shaped in a direction parallel to the rod and across said extended hook region surface when said extended hook region surface is viewed in a direction looking into said hook opening orthogonal to the rod, said body portion surface is convexly shaped in the direction parallel to the rod and across said body portion surface when said body portion surface is viewed in the direction looking into said hook opening orthogonal to the rod, and said body portion surface is also convexly shaped along said body portion surface when said body portion surface is viewed in the direction parallel to the rod. . . .

The Examiner equated the inner surface of region "f" of device "G" to the body portion surface of claim 29. Applicant acknowledges that when a long axis of device "G" is orthogonal to handle-bar "J", the inner surface of region "f" is "convexly shaped along [the inner surface of region "f"] when [the inner surface of region "f"] is viewed in the direction parallel" to the handle-bar, as shown in Hall Figures 1 and 2. However, the inner surface of region "f" is not also "convexly shaped in the direction parallel to the [handle-bar] and across [the inner surface of region "f"] when [the inner surface of region "f"] is viewed in the direction looking into [the]

hook opening orthogonal" to the handle-bar, contrary to amended claim 29. Rather, as shown in Hall Figures 1 and 2, the inner surface of region "f" is flat in this direction.

Similarly, the Examiner equated the inner surface of region "g" of device "G" to the extended hook region surface of claim 29. Again, contrary to claim 29, the inner surface of region "g" is not "convexly shaped in a direction parallel to the [handle-bar] and across [the inner surface of region "g"] when [the inner surface of region "g"] is viewed in a direction looking into [the] hook opening orthogonal" to the handle-bar. Rather, as shown in Hall Figures 1 and 2, the inner surface of region "g" is also flat.

Accordingly, Hall fails to teach a device with a body portion surface and an extended hook region surface that are convexly shaped across the surfaces, as recited by claim 29. In addition, applicant respectfully submits that there is no suggestion or motivation to modify device "G" to have a convex shape across the inner surfaces of region "f" and region "g", as recited by claim 29. In particular, Hall teaches that the hook portion of device "G" "nearly surround[s] the [handle-bar], and ... cling[s] to and hold[s] the bar" when inserted thereon and "nearly encircle[s] [the handle-bar], preventing [the hook's] easy detachment therefrom" when the bicycle is in use. (Hall, column 1, lines 45-53; column 2, lines 72-80). Applicant respectfully submits that if the inner surfaces of region "f" and region "g" were modified to be convexly shaped across the surfaces, as recited by claim 29, less of the hook portion would cling to/hold the bar, thereby causing device "G" to more readily detach from the bar, which is contrary to the teachings of Hall. Accordingly, modifying the inner surfaces of region "f" and region "g" as recited by claim 29 would render device "G" unsatisfactory for its intended purpose. As such, there is no suggestion or motivation to make such a change. (see MPEP §2143.01).

Accordingly, Hall fails to teach or suggest claim 29, in addition to claims 2, 4, 27, 31, and 32, which depend therefrom.

**Rejection of Claims 13, 14, 18, 26, and 28 over Hall in view of Adkins**

The Examiner rejected previously presented claims 13, 14, 18, 26, and 28 as unpatentable, 35 U.S.C. 103(a), over Hall in view of Adkins, patent 5,083,813 January 28, 1992 (hereinafter Adkins). Beginning with independent claim 18, it recites in part,

a garment hanging rod with a diameter of a first dimension; a hook shaped member having a body portion and a hook portion; ... an extended hook region on an end of said hook portion and having an extended hook region surface; a body portion surface opposing said extended hook region surface and defining a hook opening between said body portion surface and said extended hook region surface; ... and wherein said extended hook region surface and said opposing body portion surface are configured such that a distance between said extended hook region surface and said opposing body portion surface has a second dimension approximately a same size as said first dimension of said diameter of said garment hanging rod such that passage of said rod through said hook opening is impeded.

The Examiner appeared to indicate that Hall teaches through handle-bar "J" and device "G" a rod and a hook shaped member as recited by claim 18, but that Hall does not teach that the hook opening of device "G" has a dimension approximately a same size as the diameter of handle-bar "J". Here, the Examiner indicated that Adkins teaches a hook opening that is slightly less than the diameter of a rod and that in view of Adkins, it would be obvious to one of ordinary skill in the art to have made the hook opening of device "G" to be approximately the same size as the diameter of handle-bar "J". Applicant respectfully disagrees.

Hall teaches that the size of the hook opening of device "G" is smaller than the diameter of handle-bar "J" and in particular and as indicated above, teaches that the hook portion of device "G" "nearly surround[s] the [handle-bar], and ... cling[s] to and hold[s] the bar" when inserted thereon and "nearly encircle[s] [the handle-bar], preventing [the hook's] easy detachment therefrom." (Hall, column 1, lines 45-53; column 2, lines 72-80).

Applicant acknowledges that Adkins teaches a clip 10 with an opening 16, wherein the opening has a size that is "slightly less" than the diameter of the lower portion of shaft 28. (Adkins, column 3, lines 1-25). Applicant respectfully submits, however, that if the hook opening of Hall device "G" where modified as taught by Adkins to have a size that is "slightly less" than the diameter of handle-bar "J", the hook portion would no longer "nearly surround" or "nearly encircle" the handle-bar. Rather, the hook portion would surround only slightly more than half the handle-bar. However, such a configuration is contrary to the teachings of Hall, which specifically teaches that the hook portion nearly encircles the bar to prevent its easy detachment therefrom, as indicated above. As such, it appears to applicant that if device "G" were modified as suggest by the Examiner, the device would easy detach from the handle-bar, defeating a feature of the device as taught by Hall.

Accordingly, modifying device "G" in view of Adkins would render device "G" unsuitable for securely attaching the device to the handle-bar, thereby making the device unsatisfactory for its intended purpose. As such, there is no suggestion or motivation to make such a change. (see MPEP §2143.01). Accordingly, applicant respectfully submits that Hall and Adkins fail teach or suggest claim 18, in addition to claims 13, 14, 26, and 28, which depend therefrom.

### **Conclusion**

Since Hall and Adkins do not teach or suggest applicant's invention, alone or in combination, as now set forth in claims 13-14, 18, 26, and 28 and amended claims 2, 4, 27, 29, and 31-32, applicant respectfully requests withdrawal of the Final Rejection, entry of this amendment, and favorable reconsideration and allowance of claims 2, 4, 13-14, 18, 26-29, and 31-32.

Applicant earnestly believes that this application is now in condition to be passed to issue, and such action is also respectfully requested. However, if the Examiner deems it would in

any way facilitate the prosecution of this application, he is invited to telephone applicant's agent at the number given below.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 17, 2005:

Glen R. Farbanish

Name of applicant, assignee or  
Registered Representative



Signature

November 17, 2005

Date of Signature

Respectfully submitted,



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Glen R. Farbanish

Registration No.: 50,561

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700

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